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TO:           The Honorable Martin O'Malley      The Honorable Thomas V. Mike Miller, Jr.  
              Governor                               President of the Senate  
              State of Maryland                 State House, H-107

              The Honorable Michael Erin Busch  
              Speaker of the House of Delegates  
              State House, H-101

FROM:       Tammy Brown  
              Executive Director  
              Governor's Office of Crime Control & Prevention

DATE:        December 7, 2012

RE:          Governor's Family Violence Council, Annual Update

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Per Executive Order 01.01.2012.05 Governor's Family Violence Council, which amended Executive Order 01.01.2008.16, I am pleased to provide you with an Annual Update regarding the efforts of the Family Violence Council to date.

### **EXECUTIVE SUMMARY**

In 2008, the O'Malley-Brown Administration established 15 strategic goals to improve the quality of life in Maryland. Among these 15 goals is reducing violent crimes committed against women and children by 25% by the end of 2012. Governor O'Malley and Lt. Governor Brown have advocated strongly for victims of family violence by establishing and supporting the work of the Governor's Family Violence Council (FVC). For over five years, the FVC has accomplished a broad range of projects to improve accountability, awareness, and research in statewide family violence policy.

#### ***2008 – 2011 Accomplishments Summary***

##### **2008**

*FVC Retreat:* The FVC officially began meeting in January 2008. On April 28, 2008 the Council hosted a retreat in Baltimore, a full day meeting including the Honorable Catherine O'Malley as a guest speaker.

*New Executive Order:* On October 23, 2008, Governor O'Malley implemented a new Executive Order to rename the "Governor's Council on Family Violence Prevention" to the "Governor's Family Violence Council." The new order also created a new FVC mission, which states: "The Governor's Family Violence Council mission is to provide the Governor with timely and accurate information on family violence with

recommendations that will reduce and eliminate abusive behaviors.” The Executive Order also expanded FVC membership to include the Lieutenant Governor, the Attorney General, a Maryland State’s Attorneys’ Association representative, and an additional member of the public.

*Photography Exhibit:* In conjunction with the Governor’s Office of Crime Control & Prevention (GOCCP), the FVC hosted the Office on Violence Against Women’s (OVW) leadership at “A Line in the Sand.” This photographic exhibit honored individuals who were pioneers in the fight against domestic violence.

*Legislative Enhancement:*

- HB183/SB392: Domestic Violence – Enforcement of Protective Order: Authorizes a judge to order a law enforcement officer to use all reasonable and necessary force to enforce temporary custody provision of a final protective order.

## **2009**

*Abuser Intervention Program:* The FVC adopted the responsibility of establishing Abuser Intervention Program (AIP) Certification for Maryland agencies and created two subcommittees to lead this endeavor: The Maryland Abuser Intervention Collaborative (MAIC) and the Abuser Intervention Program Monitoring Subcommittee (AIPMS). MAIC is responsible for reviewing applications and creating new guidelines and procedures while AIPMS is responsible for the supervision of all certified AIPs. In 2009, MAIC reviewed seven applications and certified five. MAIC also revised AIP guidelines, which were finalized by January 2010.

*Livescan Project:* On April 1, 2009 a check box for domestic violence was added to the drop-down menu in Livescan and the Automated Booking System (ABS) in order to track domestic violence incidents statewide. For consistency purposes, the FVC defined domestic violence as “Any criminal offense where the offender and the victim are, or ever have been married, in an intimate relationship (including dating and same sex relationships), or have a child together.” In August of 2009, the FVC piloted this project at the Howard County Police Department and recorded 18 Domestically Related Incidents (DRIs) in one month. In October, letters were sent to all law enforcement agencies for additional trainings. In December, FVC disseminated training materials to agency points of contact.

*Domestic Violence Firearm Surrender Task Force:* In September 2009, the FVC and GOCCP held three regional trainings across the state related to recently passed firearm surrender legislation and assembled a task force for these trainings. Additionally, they also focused on changes in Livescan and other domestic violence topics including new federal laws. In total, the group trained over 240 law enforcement officers, advocates, and prosecutors across the state.

*Domestic Violence GPS Taskforce:* In July 2009, House Judiciary Chairman Joseph Vallario asked GOCCP to provide input and recommendations regarding the use of lethality assessments and GPS technology to track criminal defendants in domestic violence cases and possible areas of funding. Accordingly, a taskforce was implemented comprised of Maryland experts in the field of domestic violence and GPS monitoring. The taskforce met twice in the fall of 2009 and submitted a report on Friday, November 13, 2009 which detailed recommendations related to GPS technology in Maryland and other states as well as funding and cost considerations and limitations.

*Public Awareness:* On April 23, 2009, the Public Awareness Subcommittee held a Media Day to help representatives of the media appropriately report and address domestic violence incidents. The Lieutenant Governor’s Office also held two press conferences in 2009 with criminal justice stakeholders to raise awareness and the need for education on domestic violence.

*Legislative Enhancements:*

- HB 296/SB 267: Family Law - Protective Orders - Surrender of Firearms: Makes it mandatory, rather than discretionary, for a final protective order to order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the order.
- HB 302/SB 268: Family Law – Temporary Protective Orders – Surrender of Firearms: Authorizes a judge in entering a temporary protective order to order the respondent to surrender to law enforcement authorities any firearms in the respondent's possession for the duration of the order; requiring a law enforcement officer to provide specified information to the respondent and to provide for safe storage of the firearm; making it a misdemeanor to fail to comply with an order to surrender firearms.
- HB 98/SB 601: Domestic Violence - Temporary Protective Orders - Extension: Increases the period of time, from 30 days to 6 months, for which a judge is authorized to extend a temporary protective order to effectuate service of the order where necessary to provide protection or for other good cause.

## 2010

*Hospital-Based Domestic Violence Programs*: In late November 2009, Lieutenant Governor Anthony Brown requested a report from the FVC that detailed an overview of Maryland's efforts compared to similar programs across the country, and a fiscal impact statement. In February, the report was completed and distributed at a press conference at the Prince George's County Hospital Center. The FVC also agreed to aid in the creation of a new Executive Order that will prioritize state funding for use in the creation and expansion of hospital-based domestic violence programs. On October 20, 2010, the FVC joined Lieutenant Governor Brown at the Prince George's Hospital Center for a launch of the state's fifth hospital-based domestic violence center and the release of the new Executive Order.

*Abuser Intervention Program Certification*: A Technical Assistance Session for interested applicants was held in February 2010 with a submission deadline at the end of May. Twenty-seven applications were received and reviewed in July and twenty-six programs were certified. This update of certified programs was sent to the courts in the beginning of October for inclusion in the latest publication of the Judges' Benchbook.

*LiveScan Project*: In March of 2010, GOCCP was informed of a problem regarding DRI data, an initiative launched in April 2009. While all officers were assigning DRIs to crimes that met the Council's definition, the DRI code was attaching itself to the statement of charges, which was then going to the courts. Court commissioners requested police officers remove this information from the system and GOCCP directed law enforcement to cease DRI reporting. Once the glitch was corrected, the DRI project was again piloted in Harford County at the end of May, followed by Howard, Anne Arundel, and Carroll in June. No new issues were discovered and law enforcement was asked to comply by October 1.

*VINE Protective Order (VPO) Taskforce*: Following the passage of HB1196, which mandates the Department of Public Safety and Correctional Services (DPSCS) to notify a petitioner of service of protective orders on a respondent, a task force was formed. The task force worked diligently to develop training materials for law enforcement training, which took place in June 2010. Approximately 200 Maryland police officers attended and brochures for the courts, law enforcement, and advocates were created and disseminated. In September 2010, screenshots of the new METERS interface were sent to Chiefs, Sheriffs, and training participants. In October, FVC held a statewide advocates' training in Annapolis. The new VPO system launched in mid-October of 2010. It was piloted for approximately thirty days then after discovering some outstanding technical issues, the initiative was temporarily suspended while a resolution was sought.

### *Legislative Enhancements:*

- HB 60/SB 618 - Criminal Procedure - Violation of Pretrial or Posttrial Release No Contact Order - Expedited Hearing ("Alexis's Law"): Authorizes a police officer to arrest a person without a warrant if the

police officer has probable cause to believe that the person has violated a condition of pretrial or posttrial release. Also prohibits a person charged with committing a specified sexual crime against a victim who is a minor from contacting, harassing, or abusing the victim or going near or in the victim's residence or place of employment.

- HB 106/SB 248 - Civil Cases - Maryland Legal Services Corporation Fund – Surcharges: Increases the surcharge on civil cases in the circuit courts from \$25 to \$50, the surcharge on civil cases in the District Court from \$5 to \$7 in summary ejectment cases, and from \$10 to \$15 in all other civil cases.
- HB 534/SB 867 - Domestic Violence - Protective Order – Extension: Authorizes a court to extend the term of a protective order beyond the original expiration date if a judge finds by clear and convincing evidence that the respondent has committed a subsequent act of abuse during the term of the protective order. The court must provide notice to all persons eligible for relief and the respondent in order to hold a hearing to extend the protective order. The protective order may not be extended for more than two years past the original expiration date.
- SB 22/HB 905 – Criminal Law – Prohibitions on Wearing, Carrying, or Transporting Firearms – Exceptions: Establishes an exception to the prohibition against wearing, carrying, or transporting a handgun or other regulated firearm for a person who is carrying a specified court order requiring the surrender of the handgun or other regulated firearm and who has notified a specified law enforcement unit that the handgun or regulated firearm is being transported in accordance with the court order, the handgun or regulated firearm is unloaded, and the person transports the handgun or regulated firearm directly to the law enforcement unit.
- HB 1336 – Washington County - Domestic Violence - GPS Tracking System Pilot Program for Offenders: Requires Washington County to implement a global positioning satellite tracking system pilot program. This program authorizes the court, as a condition of a defendant's pretrial release on a charge of violating a protective order, to order that the defendant be supervised by electronic monitoring as a condition of bail.
- HB 1382/SB 554 - Rental Housing - Protection for Victims of Domestic Violence and Sexual Assault: Authorizes a tenant who is a victim of domestic violence or sexual assault to terminate a residential lease after providing written notice to their landlord and is then authorized to vacate the premises within 30 days of providing the notice. A tenant who is the victim of domestic violence or sexual assault may also request in writing to their landlord that their locks be changed by the close of the next business day. Tenants may have their locks changed by a certified locksmith without permission from their landlord, should they choose not to comply in a timely fashion.

## **2011**

*Abuser Intervention Program Certification*: In February of 2011, the Department of Education organized a group of school service providers to audit all 26 newly certified AIP Programs. The Council also certified two additional programs in the summer of 2011.

*Livescan*: Despite best efforts, the DRI project did not progress as expected. Instead, advocates are looking to create legislation to accomplish similar results regarding data collection.

*VPO Task Force*: The VPO system was reinstated on April 4, 2011. In May of 2011, the VPO public access site experienced problems which were quickly addressed and corrected in June, 2011. After members of FVC and GOCCP participated in a focus group with Appriss, VPO's vendor, Appriss agreed to work on changes to the system. The council hopes to continue its education of the public regarding VPO registration in the upcoming year.

*Comprehensive Domestic Violence Providers Subcommittee*: In January 2011, the Council adopted the Comprehensive Domestic Violence Program Subcommittee. This Subcommittee is comprised of directors of

domestic violence programs who, as a result of their work, share similar challenges. They are completing a list of short-term goals and best practices for the upcoming year.

*Public Awareness:* On Monday, October 31, the FVC took part in a Press Conference hosted by Governor Martin O'Malley to honor domestic violence awareness month and announce \$2.2 million in awards to over 50 organizations through STOP VAWA. Also in October, for domestic violence awareness month, the FVC and the House of Ruth sponsored the "Silent Witnesses Exhibit" in the State House. The Silent Witnesses Exhibit is a nationwide initiative that showcases the devastating effects of domestic violence using cardboard life-sized cut outs bearing the story and name of a woman who once lived and whose life ended violently at the hands of a husband, ex-husband, partner, or acquaintance.

*Legislative Enhancements:*

- HB 407/SB 747 - Domestic Violence – Additional Relief – Award of Temporary Possession of Pet: Authorizes a District Court Commissioner/judge to order the temporary possession of a pet in an interim, temporary, or final protective order.
- HB 647/SB 317 - Homeowners Insurance – Victims of Crimes of Violence – Discrimination Prohibited: Prohibits insurers from using information about an individual's status as a victim of a crime of violence to take certain actions relating to a homeowner's insurance policy or denying payment to an innocent co-insured person.
- HB 666/SB 480 - Courts - Peace Orders: Alters the penalty, for a second or subsequent offense, for a person who fails to comply with the relief granted in an interim, a temporary, or a final peace order.
- HB 667/SB 342 - Courts - Peace Orders – Penalties: Allows a judge the discretion to grant an extension of a peace order for an additional six months after a hearing.
- HB 1047 – Rental Housing - Tenant Victim of Domestic Violence or Sexual Assault - Lease Payment Obligation: Limits the liability under a residential lease if a tenant victim of domestic violence or sexual assault terminates the lease and vacates the premises; and authorizing the tenant victim to terminate future liability under the lease except for a specified period of time after providing notice of an intent to vacate.

***2012 Accomplishments Summary***

*Hospital-Based Domestic Violence Programs:* On Monday, January 23, 2012, the Lieutenant Governor announced the Meritus Medical Center in Washington County as the sixth Hospital-based Domestic Violence Program for Maryland. On November 16, 2012, the Lt. Governor recognized the Greater Baltimore Medical Center as the state's seventh program. Hospital-Based Domestic Violence Programs provide an opportunity for healthcare professionals to investigate and treat victims of violence and abuse while offering hospitals a significant savings by reducing hospitalizations and related chronic illnesses.

*Abuser Intervention Programs:* The FVC certified 30 Maryland AIP programs total by adding two new programs in 2012: SARC in Harford County and My Covenant Place in Prince George's County. Reviews concluded in November with all existing programs passing successfully.

*Lethality Assessment Program:* There is statewide support for the Lethality Assessment Program (LAP) and 100% of Maryland law enforcement agencies that respond to calls for service are committed to its use. All Maryland agencies, with the exception of the Baltimore Police Department, use the Maryland Network Against Domestic Violence (MNADV) LAP model. As of October 2012, this included 86 police departments who conduct approximately 10,000 lethality assessment screens annually. In addition, the Baltimore City Police Department (BPD) utilizes a slightly different LAP model in conjunction with the House of Ruth. BPD aims to implement LAP citywide in 2013 to administer approximately 8,000 screens per year. All 30 police departments

in Prince George's County have begun administering lethality assessments as of October 23, 2012. Currently, GOCCP has awarded 18 federal and state grants totaling \$1,104,854 for the integration of LAP across the state. In Prince George's County alone, GOCCP has awarded \$217,650 in grants designed to implement LAP.

*Legislative Enhancements:* During the 2012 Legislative Session the Council supported key pieces of legislation that were enacted into law:

- HB 8/SB 175 – Crimes – Electronic Communication – Harassment: Changes the prohibition against using electronic mail with the intent to harass to prohibit engaging in electronic communication with the intent to harass; changing the defined term "electronic mail" to "electronic communication" and altering the definition; and establishing penalties for a second or subsequent violation of the Act.
- HB 1146/SB 647 - Domestically Related Crimes – Reporting: Requires the court, on request of the State's Attorney, to determine whether a crime for which a defendant is convicted or receives a probation before judgment disposition is a domestically related crime; requiring the state to bear the burden of proving by a preponderance of the evidence that the crime is a domestically related crime; requiring a finding by the court that a crime is a domestically related crime to become part of the court record for specified purposes; etc.
- HB 1160 Family Law - Temporary Peace and Protective Orders – Duration: Extends the duration of a temporary peace order or a temporary protective order under specified circumstances.
- HB 1235 – Public Safety - Emergency Number System - Next Generation 9-1-1: Alters the responsibilities of the Emergency Number Systems Board to include establishing planning guidelines for next generation 9-1-1 system plans and deployment of next generation 9-1-1 service; authorizing the Board to limit a request for reimbursement to counties for the cost of enhancing a 9-1-1 system; and defining "next generation 9-1-1".
- SB 291/HB 769 – Unemployment Insurance - Coverage - Victims of Domestic Violence: Prohibits the Secretary of Labor, Licensing, and Regulation from charging specified unemployment insurance benefits against the earned rating record of an employing unit; authorizing the Secretary to find that a cause of voluntarily leaving employment is good cause if it is directly attributable to the individual or individual's immediate family member being a victim of domestic violence and the individual provides specified information; providing that specified information provided to the Secretary is confidential.

## **I. FVC STRUCTURE AND GOALS**

### **A. Summary of Executive Order Goals**

- (1) Advise the Governor through the Executive Director of the Governor's Office of Crime Control and Prevention on matters related to family violence.
- (2) Identify and analyze State policies and programs relating to family violence, including but not limited to:
  - (a) Collecting data from State agencies relating to the prevention and reduction of domestic violence and related family violence;
  - (b) Identifying resources available to reduce and prevent family violence through a statewide coordinated effort.
  - (c) Identifying opportunities for collaboration between governmental units.
- (3) Examine, or cause to be examined, the relationship between family violence and other societal problems, including but not limited to juvenile delinquency, alcohol and substance abuse, truancy, and future criminal activity.
- (4) Identify best practices, research and information pertaining to abuser intervention and related programs.
- (5) Propose to the Governor, through the Executive Director of the Governor's Office of Crime Control and Prevention, legislative, regulatory, and policy changes to reduce and prevent the incidence of domestic violence and related family violence, to protect victims and to punish perpetrators.

## B. Reorganization

After five foundational years, the majority of the FVC's initial projects have been achieved and institutionalized. In 2012, the FVC members established a new structure to continue progress and provide recommendations to the Governor annually as a body. Members agreed upon a framework whereby 2 – 3 key areas of family violence policy would be selected by a majority vote and championed by one member and a working committee of members for one year. At the culmination of study, each working group would deliver expert research, recommendations, and resources for the Governor and criminal justice partners statewide.

### 1. *January 2008 – July 2012 Structure:*

The Council operated the following subcommittees in addition to general meetings:

- Data Subcommittee: The Data Subcommittee was responsible for collecting any data deemed necessary for the Council to better understand domestic violence across the country. In 2012, the Data Subcommittee compiled funding maps detailing domestic violence related funding to ensure that funding is being distributed fairly to programs throughout the state. Funding maps for FY2009 were completed. *The work of this committee will continue in general meetings and within the annual chosen areas of study.*
- Public Awareness Subcommittee: The Public Awareness Subcommittee was responsible for obtaining media coverage and identifying methods to educate individuals and groups about domestic and family violence issues. In 2008, the Subcommittee crafted an educational brochure about the FVC and a glossary of domestic violence terms for distribution. *The work of this committee will continue in general meetings and within the annual chosen areas of study.*
- Legislative Subcommittee: The Legislative Subcommittee advocates on behalf of important domestic violence and victim protection initiatives. *The work of this committee will continue in general meetings of the Council with full membership present.*
- Comprehensive Domestic Violence Providers Subcommittee: Adopted in 2011, the Subcommittee is comprised of directors from programs that face similar work and challenges. In 2012, the Subcommittee explored possibilities to standardize domestic violence programs throughout the state and coordinated with Department of Health and Mental Hygiene (DHMH) to understand the public health aspect of domestic violence and DHMH's involvement in standardization. *Due to its existing working group structure, this committee will continue within the reorganization.*
- Abuser Intervention Subcommittee: The FVC is responsible for monitoring abuser intervention program compliance and providing a list of certified programs to the Administrative Office of the Courts (AOC) for inclusion in the Judge's Benchbook. In order to receive court-ordered referrals, AIPs must certify their compliance to local courts. *Due to its existing working group structure, this committee will continue within the reorganization.*

### 2. *New Structure*

For 2012, the following topics were suggested and voted on:

- Vine Protective Order;
- Best Practices for Family Justice Centers;
- Domestic Violence in the Presence of a Child;
- Offender History Data and Domestic Violence Service Provider Data;
- Abusers Not Attending AIP Programs as Ordered Without Consequence;
- Teen Dating Violence;

- Effects of Violence on Juveniles;
- “One Family, One Judge” Courts; and
- Courts and Domestic Violence.

The Governor’s Office of Crime Control & Prevention (GOCCP) requested that VPO be taken up by the Council as a primary area of study. After a Council vote, Domestic Violence in the Presence of a Child was chosen as the second topic.

### C. FY 2013 Areas of Study

#### 1. *VINE Protective Order*

The time immediately after a respondent has been served with a protective order can be a very critical and dangerous time for the petitioner. Knowing when the respondent has been served helps ensure that the petitioner has time to enact a safety plan and take the necessary safety precautions to protect his or herself.

In October 2009, legislators passed a bill enabling victims to be notified within three hours that their protective order has been served on the respondent. Effective January 2010, Maryland law requires law enforcement to electronically notify the Department of Public Safety and Correctional Services (DPSCS) of the service of an interim or temporary protective order within two hours after service on a respondent. DPSCS is also required to notify the petitioner of the service of an interim or temporary protective order on the respondent within one hour after DPSCS is notified of service by the law enforcement officer and notify the petitioner of the service of a final protective order within one hour after having knowledge of service. DPSCS developed a notification request form and procedures for notification. Through the creation of VINE Protective Order (VPO), these provisions were established.

For the last year, VPO has been in live operation. While there have been successes with the system, there have also been problems. The purpose of this workgroup is to ensure that VPO is operating effectively by addressing problems and developing solutions. Between early June and the end of July, eleven problems were reported. Of those eleven, two required correction from Appriss, the vendor, two required correction from law enforcement, three involved issues resulting from having no birth date on the protective order, three were due to user error, and one was an issue with an out of State order, which is not immediately correctable due to differences in state policies. Some of these problems are with the mechanics of the system, while others have to do with the way orders are entered and updated. Other problems include a lack of understanding about what the system is designed to do and what is it not able to do.

It was discovered at the end of December 2011 that VPO was allowing the mapping of service by multiple law enforcement agencies for some counties, but not others. This meant that you could see the agency that directly served the order, rather than the agency that was the holder of record only. This was corrected and GOCCP is now able to determine the exact agency that served an order. In January, 2012, there were continued problems with some orders as a result of petitioners not knowing the birth date of the respondent, which resulted in the order not being able to be entered in METERS and thus, not being in VPO. In October, Appriss was able to correct this problem. This correction now allows orders without a birth date to be updated through a court feed, eliminating the previous problem of orders appearing to expire in VPO.

During February, the FVC Coordinator created an online survey for victim advocates and law enforcement personnel to determine their knowledge of the VPO system and any problems they have been experiencing with it. The Coordinator travelled across Maryland and met with law enforcement and data entry personnel in several counties to help improve the use of VPO. In October, the Coordinator sent a letter requesting the VPO policy of



all law enforcement agencies. This is to ensure that all law enforcement are aware of VPO and have a policy to make sure orders are entered into METERS on time, thus sending information to VPO in a timely manner.

In early May, members of the VINE Protective Order (VPO) workgroup and representatives from several victim service programs convened to discuss recent problems with VPO. They reviewed how to assist victims with VPO registration and system usage. All members were encouraged to register every victim they work with for the VPO system and to contact the Coordinator with any problems.

Dorothy Lennig, VPO Champion, requested all FVC victim service agencies to send one representative to be part of this workgroup, as she plans on asking them to register for and use VPO on a regular basis so that problems can be more easily identified. Ms. Lennig would also like to train advocates and law enforcement, perhaps in a webinar style.

DPSCS has arranged for continued funding for VPO service notifications.

## *2. Domestic Violence in the Presence of a Child*

The National Survey of Children's Exposure to Violence (Slowikowski, 2009) found that nearly 60% of children have been a witness to some form of violence. The Adverse Childhood Experiences (ACE) Study examined childhood trauma and its effects into adulthood. It was found that adults who had witnessed trauma as a child were more likely to develop chronic diseases than those who had not witnessed trauma.

Domestic violence in the presence of a child is a problem that is often overlooked. The Champion of this topic, Joan Stine, is a member of the Baltimore City Domestic Violence Fatality Review Team, and she notes that while there are some resources available within the State for children who witness domestic violence, many of the resources are not connected in ways that would be beneficial for survivors. The research, according to Ms. Stine, is compelling and growing and the Center for Disease Control & Prevention (CDC) currently examines long term consequences of children witnessing domestic violence. Currently, there are no boards or councils tackling this issue, and it seems fitting for the FVC to use its resources to connect other groups and victims. The focus in domestic violence is often on the primary victim, but all too often collateral victims such as children are overlooked. Ms. Stine anticipates working with the Stop Child Abuse Now (SCAN) committee, as well as completing a legislative review to determine if laws exist for children witnessing domestic violence. The Subcommittee members will also conduct a literature review to include an analysis of how other states respond to this growing problem.

The ultimate goal of this workgroup is to develop best practices for a coordinated community response for children who witness domestic violence. While some policies for this exist within various systems, others are lacking or outdated. Research suggests that children who witness domestic violence suffer from chronic disease and therefore cost the healthcare system more money than those who do not witness violence.

The group met twice – once by conference call and once in person. They have identified the various systems that a child experiencing domestic violence may come in contact with and have examined their existing policies. Many systems do not have existing policies in place. For the remainder of the year, the group plans to choose a system to focus their efforts on and research policies for that system in other states. Following this review, this workgroup will present the Governor with their recommended revisions to existing policies, as well as new policies for various agencies involved in the criminal justice system that are backed by recent data and research findings.

## **II. PROGRAM UPDATES**

### **A. Hospital-Based Domestic Violence Program**

Health care providers often overlook domestic violence as a possible underlying cause of health problems. As a result, the health care system spends billions of dollars each year treating the consequences of such exposure, rather than addressing the underlying cause. By utilizing domestic violence screening and assistance programs, hospitals could see a significant savings by reducing hospitalizations and related chronic illnesses.

In Maryland, seven hospital-based domestic violence programs are currently in operation. On Monday, January 23, 2012, the Lieutenant Governor announced Meritus Medical Center in Washington County as the 6<sup>th</sup> Hospital-based Domestic Violence Program for Maryland. On November 16, 2012, the Lt. Governor recognized the Greater Baltimore Medical Center (GBMC) in Towson as the state's 7<sup>th</sup> Hospital-based Domestic Violence Program. These hospitals provide care for victims of intimate partner violence by providing screening and documentation of abuse, mandated reporting, crisis intervention, safety planning, emotional support, dangerous assessments, and referrals to resources in the community, such as shelters and counseling. These programs also assist hospitals in training their medical staff on recognizing domestic violence and proper screening procedures. GOCCP has provided over \$600,000 in grant funding to the following seven programs:

- Anne Arundel Medical Center
- Greater Baltimore Medical Center
- Mercy Medical Center
- Meritus Medical Center
- Northwest Hospital
- Prince George's Hospital Center
- Sinai Hospital

### **B. Abuser Intervention Program (AIP) Certification**

This past May, the FVC received three applications for AIP certification and SARC in Harford County and My Covenant Place in Prince George's County were eventually certified. There are now 30 certified programs in Maryland. FVC conducted reviews of Certified AIPs in November 2012 and all programs passed review. Certification for new programs will begin May of 2013.

### **C. Language Interpretation Services**

Language barriers present numerous problems for crime victims, victim service providers and law enforcement as they are oftentimes a costly expense. As a result of the state's increasing immigrant population, GOCCP is examining the possibility of utilizing VAWA funding to assist MNADV in providing affordable language interpretation services for all domestic violence providers in Maryland, regardless of their MNADV membership status.

## **III. SUBCOMMITTEE UPDATES**

### **A. Comprehensive Domestic Violence Providers Subcommittee**

In 2011, the Council adopted the Comprehensive Domestic Violence Program Directors Subcommittee which consists of leaders from various service provider agencies who, as a result of their field, share similar challenges and pitfalls.

## 1. *Domestic Violence Shelters*

Though the creation of domestic violence shelters is not new, Maryland has never had consistent standards for all domestic violence shelters. As a result, domestic violence counselors receive no specialized regulated training and some programs have developed their own curricula. Though all shelters are regulated through COMAR, the Subcommittee believes the COMAR regulations<sup>1</sup> are not monitored closely enough and some programs, as a result, may not be following these regulations. Certification standards can be changed through either COMAR changes or voluntary standards. If voluntary standards were implemented, the State could regulate that those programs which failed to adhere to the voluntary standards would not be eligible for certain funds, thereby providing an incentive.

In February, DHMH Deputy Secretary Frances Phillips attended a Subcommittee meeting to address this issue. DHMH recognizes domestic violence as a public health issue and DHMH is developing a lethality assessment screening tool for hospitals. Rather than utilizing a mandatory certification or standardization program, however, she recommended using voluntary standards with incentives to encourage agencies to participate willingly, a method with which DHMH has experienced success in the past. She specifically cautioned against licensure fees because of those agencies that may not be able to afford it.

Looking ahead, the Subcommittee intends to research certification best practices and other state models to determine which principles would be ideal. The Subcommittee intends to survey all state programs to determine at a minimum:

- 1) what types of training they are requiring of their staff;
- 2) which of their staff are certified, and if so, by whom; and
- 3) the education levels of their current staff.

Upon completion of the survey, the Subcommittee will have a better grasp on which standards will be ideal to implement and present them to the full Council and GOCCP for review.

## B. Data Subcommittee

Prior to the 2012 FVC re-organization, the Data Subcommittee was responsible for collecting all data necessary to better understand domestic violence across the county. This data includes the current state of domestic violence in Maryland, programs offered, gaps in services, domestic violence laws and initiatives in other states.

### 1. *Funding Maps*

The Subcommittee compiled funding maps detailing domestic violence related funding to ensure that funding is being distributed equitably to service providers and programs based on need throughout the state. Funding maps for FY 2009 are now complete (see attached). The funding maps detail domestic violence funding per county compared with domestic violence incidents per county. The Council will determine the necessity of these maps moving forward as a result of its recent changes.

### 2. *Gun Surrender Data*

During the April FVC meeting, the FVC explored the possibility of collecting firearm data as it pertains to Md. Family Law Code Section 4-506, which requires respondents of final protective orders to surrender their firearms. Although individual agencies may be tracking this information, this data is currently not recorded at a

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<sup>1</sup> COMAR 07.01.15.07 requires (A.) The shelter shall have available: (1) Room and board capacity for the resident victim of domestic violence and any minor children; (2) Counseling; and (3) Paid staff or volunteers trained to assess need, establish eligibility, and develop comprehensive service plans; (B.) The shelter shall meet the physical requirements of applicable State and local fire codes and applicable State and local health codes; and (C.) The program shall make available to the Department upon request a copy of the shelter rules, including the grievance procedure.

state level. The FVC intends to discuss the feasibility of undertaking this project to ensure that data is accurate and the potential benefit of having this information.

### C. Legislative Subcommittee

The Legislative Subcommittee is responsible for helping to draft and present bills for legislation. Bills must obtain a majority vote within the FVC before being presented for legislation.

*During the 2012 Session the Council supported several key pieces of legislation that were subsequently enacted into law:*

- HB 8/SB 175 – Crimes – Electronic Communication – Harassment: Changes the prohibition against using electronic mail with the intent to harass to prohibit engaging in electronic communication with the intent to harass; changing the defined term "electronic mail" to "electronic communication" and altering the definition; and establishing penalties for a second or subsequent violation of the Act.
- HB 1146/SB 647 - Domestically Related Crimes – Reporting: Requires the court, on request of the State's Attorney, to determine whether a crime for which a defendant is convicted or receives a probation before judgment disposition is a domestically related crime; requiring the state to bear the burden of proving by a preponderance of the evidence that the crime is a domestically related crime; requiring a finding by the court that a crime is a domestically related crime to become part of the court record for specified purposes; etc.
- HB 1160 Family Law - Temporary Peace and Protective Orders – Duration: Extends the duration of a temporary peace order or a temporary protective order under specified circumstances.
- HB 1235 – Public Safety - Emergency Number System - Next Generation 9-1-1: Alters the responsibilities of the Emergency Number Systems Board to include establishing planning guidelines for next generation 9-1-1 system plans and deployment of next generation 9-1-1 service; authorizing the Board to limit a request for reimbursement to counties for the cost of enhancing a 9-1-1 system; and defining "next generation 9-1-1."
- SB 291/HB 769 – Unemployment Insurance - Coverage - Victims of Domestic Violence: Prohibits the Secretary of Labor, Licensing, and Regulation from charging specified unemployment insurance benefits against the earned rating record of an employing unit; authorizing the Secretary to find that a cause of voluntarily leaving employment is good cause if it is directly attributable to the individual or individual's immediate family member being a victim of domestic violence and the individual provides specified information; providing that specified information provided to the Secretary is confidential; etc.

*During the 2012 Session the Council supported several key pieces of legislation that subsequently died:*

- SB 107 - Criminal Law - Electronic Harassment – Penalties: Prohibits a person from making a specified electronic communication with the intent to terrify, intimidate, or harass another person, or place another person in reasonable fear of injury or physical harm to that person or the property of that person; establishing penalties; providing for the application of the Act; etc. *No action*
- SB 122 - Courts and Judicial Proceedings - Crime Victims and Witnesses Funds - Court Costs: Increases specified costs imposed on a defendant convicted of a crime by a circuit court or the District Court that are deposited into the State Victims of Crime Fund, the Victim and Witness Protection and Relocation Fund, and the Criminal Injuries Compensation Fund. *Unfavorable Report in Senate*
- SB 168 – Criminal Procedure - Victim's Compensation - Temporary Lodging for Domestic Violence Victims: Makes victims of domestic violence who are eligible for an award as the result of an injury resulting from a specified domestic violence incident and who sought temporary lodging to avoid further injury eligible to receive an award from the Criminal Injuries Compensation Fund for reasonable costs of up to 14 days of temporary lodging. *Passed in Senate, Unfavorable Report in House*

- SB 359 – Domestic Violence – Persons Eligible for Relief and Orders to Vacate Home: For the purpose of altering, for purposes of certain provisions of law relating to domestic violence, the definition of “person eligible for relief” to include an individual involved in a certain intimate dating relationship with a certain respondent and an individual who has had a sexual relationship with a certain respondent; establishing that a final protective order may order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in certain instances, to an adult living in the home, if neither the person eligible for relief nor the respondent has lived in the joint residence for at least a certain period of time, and generally relating to domestic violence. *No action.*
- SB 411 – Criminal Procedure - Maryland Victim Information and Notification Everyday (VINE) Services: Requires correspondence or documents provided by the District Court to a specified victim or the victim's representative to contain contact information for Maryland Victim Information & Notification Everyday (VINE) services; requiring a prosecuting attorney to mail or deliver to a specified victim or a victim's representative specified information regarding Maryland VINE services; etc. *No action*
- SB 462/HB 971 - Peace Order or Protective Order Petition – Respondent’s Address: Alters the information required of a person filing a petition for a peace order or a protective order to include, if known, the home or business address of the respondent. *Unfavorable Report in the House and Senate*
- SB 561/HB 883 - Family Law - Protective Orders - Additional Relief: Authorizes a judge, in a final protective order, to order the respondent to remain a specified distance away from the residence, place of employment, school, or temporary residence of a person eligible for relief. *Passed in House, Unfavorable Report in Senate*
- SB 612/HB 1074 - Criminal Law - First Degree Assault – Strangulation: Prohibits a person from committing an assault by applying pressure on the throat or neck of another person in a specified manner; and establishes that a person who violates the Act is guilty of the felony of assault in the first degree and on conviction is subject to a specified penalty. *Passed in Senate, No action in House*
- SB 863/HB 1110 - Public Schools - Dating Violence - Kristen Marie Mitchell Law: Adds dating violence to provisions of law requiring the reporting of incidents of specified conduct by a county board of education; alters the content of a specified form and report, policies, and educational programs to include incidents of dating violence; requires the State Board of Education to develop, by a specified date, a model policy that includes a prohibition on dating violence; alters the date by which each county board is required to submit a specified policy to the State Superintendent of Schools; etc. *Unfavorable Report in House and Senate.*

*The Council opposed the following domestic violence bills which did not pass:*

- SB 667/HB 652 - Criminal Records - Shielding - Nonviolent Convictions : Requiring that court records and police records relating to a conviction be shielded automatically at a specified time, depending on whether the conviction is for a misdemeanor or a felony; prohibiting the Maryland Judiciary Case Search from in any way referring to the existence of records shielded in accordance with the Act; requiring a custodian of records to deny inspection of criminal records and police records relating to the conviction of a crime that has been shielded under the Act; etc. *Unfavorable Report in House and Senate*

#### **IV. LOOKING AHEAD: GOALS FOR 2013**

In 2013, the FVC will pursue the following goals:

- Deliver work group recommendations for VPO to include resources and trainings on the VPO so that program and partners can best serve domestic violence victims in the State.
- Deliver work group recommendations for Domestic Violence in the Presence of a Child.
- Expand Maryland hospital-based domestic violence programs.

- Build capacity of Maryland domestic violence organizations.
- Advocate for key legislation: The Council is committed to developing the momentum and awareness necessary for a successful legislative session in 2013 and has already begun this process by meeting as a full council and discussing potential legislation. There are several pieces of legislation expected for the upcoming session, including:
  - *Crime of Violence in the Presence of a Minor* – This would create a penalty for anyone convicted of domestic violence while within the sight or hearing of a minor or when it is reasonable for that person to have known they were in the sight or hearing of a minor. This was proposed last year, but as a separate crime, rather than an extended penalty.
  - *Strangulation* – Making strangulation either a separate crime or an extended penalty. This has been tried twice in slightly different bills.
  - *Additional Relief for a Protective Order* – Allowing additional relief to be added to the protective order, including ordering that the respondent remain a certain distance away from the petitioner.
  - *Protective Orders* – Allowing victims of dating violence and sexual assault to be eligible for protective orders, rather than peace orders.
  - *Permanent Protective Order* – Amending the eligibility requirements for petitioners requesting a permanent protective order to time sentenced rather than time served.
  - *Service of Protective Orders* – Allowing the private service of protective orders by a third party rather than law enforcement.
  - *Terminating a Rapists' Parental Rights* – This bill would allow for the parental rights of a rapist to be terminated. Currently in Maryland there is no way to do this; there is also no way to terminate just one parent's rights.
- Continue annual data collection and assessments.
- Complete certification and review of Abuser Intervention Programs.
- Coordinate with courts to try to provide domestic violence advocates access to Domestic Violence Central Repository.
- Identify and appoint additional members to council.

## **FAMILY VIOLENCE COUNCIL MEMBERSHIP**

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**Governor Martin O'Malley**

**Douglas F. Gansler**, Chair, Maryland Attorney General

**Anthony G. Brown**, Lieutenant Governor

**Sam Abed**, Secretary, Department of Juvenile Services

**Colonel Marcus L. Brown**, Superintendent, Maryland State Police

**L. Tracy Brown**, Executive Director, The Women's Law Center of Maryland

**Tammy Brown**, Executive Director, Governor's Office of Crime Control & Prevention

**Michaele Cohen**, Executive Director, Maryland Network Against Domestic Violence

**Theodore Dallas**, Secretary, Maryland Department of Human Resources

**Jodi Finkelstein**, Executive Director, NARAL Pro-Choice Maryland

**Rosemary King Johnston**, Executive Director, Governor's Office for Children

**Dorothy J. Lennig, Esq.**, House of Ruth Maryland

**Gary D. Maynard**, Secretary, Department of Public Safety & Correctional Services

**Lisa Nitsch, MSW**, Abuse Intervention & Training Institute Manager, House of Ruth Maryland

**Scott Patterson**, Office of State's Attorney, Talbot County

**Blanca Picazo**, Tahirih Justice Center

**Vicki Sadehvandi**, Executive Director, Citizens Assisting and Sheltering the Abused, Inc.

**Bernard J. Sadusky**, Superintendent of Education

**Joshua Sharfstein**, Secretary, Department of Health and Mental Hygiene

**David Shultie**, Domestic Violence Law Manager, Administrative Office of the Courts

**Senator Bryan Simonaire**, Maryland General Assembly

**Karla Smith**, Chief, Family Violence Division, Montgomery County State's Attorney's Office

**Joan Stine**, Advocate, The Family Tree

**Delegate Kriselda Valderrama**, Maryland General Assembly

**Delegate Cathy Vitale**, Maryland General Assembly

**Jeanne Yeager**, Executive Director, Mid Shore Council on Family Violence

## **FAMILY VIOLENCE COUNCIL ALTERNATE REPRESENTATIVES**

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**Kisha A. Brown, Esq.**, Maryland Assistant Attorney General

**Diana Cheng, M.D.**, Department of Health and Mental Hygiene

**Jeanne D. Cooper, LCSW**, Maryland Department of Human Resources

**Shandra Crowder**, Governor's Office for Children

**Jessica Dickerson**, Department of Juvenile Services

**Ellen Grunden**, Office of State's Attorney, Talbot County

**Deena Hausner**, House of Ruth Maryland

**Lisae C. Jordon, Esq.**, Maryland Coalition Against Sexual Assault and Maryland Children's Alliance

**Christina Lentz**, Department of Public Safety & Correctional Services

**Christina Miles**, Montgomery County State's Attorney's Office

**John McGinnis**, Maryland State Department of Education

**Captain Brian Reider** Maryland State Police

**Laure Ruth**, The Women's Law Center of Maryland

**Justice Schisler**, Governor's Office of Crime Control & Prevention

**Benjamin Stutz**, Office of Lieutenant Governor